

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JAMES JILEK, <i>et al.</i> , on behalf of himself)	
and all others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:23-cv-00818-RJC-DCK
)	
COMPASS GROUP USA, INC., D/B/A)	
Canteen)	
)	
Defendant.)	
)	

**COMPASS GROUP USA, INC.’S MOTION FOR LEAVE TO FILE, *INSTANTER*,
SURREPLY IN OPPOSITION TO MOTION FOR CLASS CERTIFICATION**

Defendant Compass Group USA, Inc. d/b/a Canteen (“Compass”) requests leave to file a Surreply in Opposition to the Motion for Class Certification in order to address false statements of fact and mischaracterizations presented by Plaintiff for the first time in his Reply in Support of Motion for Class Certification, (Doc. No. 302) (“Reply”). Compass’ proposed Surreply is attached hereto as Exhibit A, and addresses only newly raised, and false, factual or evidentiary material asserted in Plaintiff’s Reply.

Accordingly, for the reasons set forth in Compass’ Memorandum in support of this Motion, Compass respectfully requests that it be allowed to file, *instante*, its Surreply in Opposition to Plaintiff’s Motion for Class Certification, which is attached hereto as Exhibit A.¹

¹ Counsel for Compass attempted to confer with Plaintiff’s counsel by e-mail on June 4, 2024 regarding the relief sought through this Motion. On June 6, 2024, Plaintiff’s counsel advised that Plaintiff does not consent to the requested relief.

Dated: June 6, 2024

Respectfully submitted,

By: /s/ Joseph C. Wylie II

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Attorneys for Compass Group USA, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court via the Court's CM/ECF system on June 6, 2024, which will serve all counsel of record.

/s/ Joseph C. Wylie II

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